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SUBJECT: DOMINICAN ELECTIONS #10: CENTRAL ELECTION BOARD IS
ON COURSE, DESPITE FLAK

¶1. (U) This is the 10th cable in a series reporting on the
Dominican Republic's May 16 congressional and municipal
elections:

Central Election Board Is on Course, Despite Flak

The Central Election Board (JCE), responsible for organizing and adjudicating the May 16 Dominican congressional and municipal elections, is overcoming minor delays and, barring any unforeseen major obstacles, will hold the elections as scheduled. Recent sharp criticism of the JCE in the Dominican press is driven by chronic suspicions of political bias among the judges, in a political culture prone to conspiracy theories. The Organization of American States (OAS) has announced the arrival of an Election Observation Mission April 30, and the diplomatic community including the Embassy has committed to support the international observer effort.

Jaundiced Views

"The JCE, under a sea of doubts," blared the editorial headline of establishment daily "Listn Diario" on April 27. "The credibility of the election process has been seriously compromised by the clumsiness of the Central Election Board and its whims in dealing with the political parties," complained generally pro-Fernndez administration Diario Libre on April 26. "Let us dispel the fears," intoned center-left "Hoy" on April 27.

Why all the fuss? In preceding days, the leaders of the three major parties and the National Council of Private Enterprise (CONEP) had called on the JCE to publish the final list of candidates for the elections, whose names had been submitted for approval March 16 and approved a week later. In the interim, members of the opposition PRD-PRSC alliance had been complaining and filing challenges with the JCE's dispute resolution chamber, alleging that they had been improperly excluded from candidacies for which they had been selected by internal primaries.

Even President Fernandez joined the chorus of the querulous. The evening of April 26, he denounced the uncertainty of the JCE's behavior in the elections, in light of the non-consensual manner in which the current JCE judges had been "imposed by a tyrannical majority" of PRD senators during the selection process in 2002. He called for institutional changes by the new Congress -- which he predicted would have a majority of ruling PLD and allied legislators -- to ensure selection of impartial judges to guarantee a clean election process.

A Timely Announcement

The same evening, the JCE dispelled much of the concern by delivering the list of 14,200

registered candidates for 1412 elected positions to the political parties. Even "Hoy" acknowledged that the release of the list "has been a big step forward to defuse the tension in the electoral atmosphere." Also that day, JCE elections director Gilberto Cruz Herasme, the top technical manager of the election system, confirmed to Embassy officers that as of April 24 all candidacies had been closed. In fact, he said, the law allowed the JCE until May 11 to deliver the lists -- although earlier delivery was desirable.

Any further substitutions could only occur at city council level, the lowest in these elections, if accepted by vote of the JCE judges. Names would not change on the ballots, but the voting for city council is by party lists, and voters select a party ticket headed by the candidate for mayor.

Other technical and logistical arrangements were on track, according to Cruz Herasme. The printing of ballots was well advanced and, despite glitches with one of the several contractors performing this service, he had hired bigger firms to finish the ballots and expected to have them all delivered to the JCE by May 2. Meanwhile, in the last week of April JCE computer experts began final tests of the election data processing system.

The OAS Weighs In

Visiting OAS Deputy Secretary General Ramdin, in town for an OAS justice ministers' meeting, helped calm the waters by meeting with JCE administrative chamber president Nelson Gmez and expressing to the press his confidence that there will be clean elections, a feeling that he confirmed on April 27 to the Ambassador and Embassy officers. Gmez

announced that the OAS would send 67 election observers.

Ramdin told the Ambassador and other donor country ambassadors that an advance group headed by OAS observation mission chief Rubn Perina would arrive here April 30 and begin work May 1 (despite the local holiday). The EU, Brazil, and Canada have committed along with the United States to fund the OAS mission. The diplomats discussed with Ramdin arrangements for volunteer diplomatic observers to operate under the OAS umbrella on election day.

JCE's "Original Sin"

The political alignment of JCE judges is generally acknowledged. Six of the nine judges came from the ranks of the PRD, now in the opposition; two have ties to the opposition PRSC; and only one is identified with the ruling PLD. JCE plenary president Luis rias, formerly of the Hatuey DeCamps faction of the PRD, has moved closer to President Fernndez since Hatuey bolted and formed his own party.

ven so, Embassy has not noted any bias in JCE decisions in this campaign, and the same JCE in 200 performed impartially during a more emotionally charged election than this one. At the technical level, the JCE has strong management; Cruz Herase has been at the JCE since 1996, through six elections and four administrations of different parties.

As in 2004, the main concern will be the stance of the JCE's dispute resolution chamber when, as is likely, some local or provincial elections are disputed on election day or immediately after. Even if, as we expect, the electoral process works well overall, there is potential for local flashpoints. Leaders of the ruling party worry that, when the chips are down, the PRD-linked judges will show bias in throwing one or another local contest to the opposition. Although such decisions cannot be ruled out in isolated instances where ambiguous circumstances might allow leeway in interpretation, they are unlikely to swing the election results at a national level.

As one contact remarked to political officer, the JCE is itself running for reelection. It is elected by the Senate in accord with the Dominican constitution. Depending on the party balance in the new Senate after August 16, the current judges could get four more years if the PRD retains a majority or could be replaced if the PLD gains a majority or plurality, with enough leverage to force consensus) Regardless of its generally good track record, the JCE is not entirely disinterested in the outcome.

12. (U) Drafted by Bainbridge Cowell.

13. (U) This piece and others in our series can be consulted at our SIPRNET web site (<http://www.state.sgov.gov/p/wha/santodomingo>) along with extensive other material.

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